UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/667,287 | 09/19/2003 | Junichi Rekimoto | 112857-434 | 8626 |

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| EXAMINER |
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| HUYNH, BA |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on *26 September 2008*.

2a)☐ This action is **FINAL**.           2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-10, 12-22* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection.  Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114.  Applicant's submission filed on 9/26/08 has been entered.

## *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains.  Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-10, 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Herrod et al.

- As for claims 1, 6:  Herrod et al (hereinafter Herrod) teach a computer implemented

method and corresponding apparatus for dynamically attaching data items to physical

environment (7:7-10), comprising  the steps/means for: capturing surrounding contexts (6:35-37,

7:38-45, 9:59-66, 12:8-10) including location level context, position context, visual data, audio

data, and object level context (3:7-9, 26-30, 7:40), wherein the location level context and other

level context are sensed by different types of sensing means (4:1-5); transmitting the captured

data items for storing (7:40-46, 8:60-67), the data item are attached to the surrounding contexts

in the particular environment (4:4-5, 10:28-34, 11:34-40, 12:16-40), retrieving the stored data

items based on the sensing means sensing at least one of the plurality of surrounding contexts in the particular environment (7:7-10). Herrod fails to teach that the position level context is calculated from a comparison between a plurality of electric field intensities. However the limitation "wherein the position level context is calculated from a comparison between a plurality of electric field intensities" merely describes the type of the data item ("position level context"). The phrase implies a calculation was involved, but the calculation step was not positively recited. Thus the phrase is only a non-functional descriptive material, and can not be given patentable weight. Official notice is taken that calculating of position from electric field intensity is well known in the art. It would have been obvious to one of skill in the art, to apply the well known method of calculating position from electrical intensity to determine the position of an item. Herrod fails to clearly teach selecting a date and time when attaching and receiving data items, however discloses various embodiments wherein the invention can be employed in journalist report (7:4-10), police report (7:17-21, 9:37-43), insurance bid/estimate (9:27-34), and parcel tracking (10:17-28). The user may input additional information to the captured image (10:4648). It would have been readily apparent to one of skill in the art that time is an important piece of information in such journalist report, police report, insurance bid/estimate, and parcel tracking. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the means/step of selecting the time when attaching and receiving the data item. Motivation of the implementation is for tracking purpose.

    - As for claim 2: Data item are registered as being related to said surrounding contexts (7:45-46).

- As for claims 3, 14, 17: Herrod fails to clearly teach that the data item related to said surrounding contexts includes time information designated to future and past time. However, it appears that the time information as recited is non-function descriptive information. It would have been obvious to one of skill in the art, at the time the invention was made, to further add time information designating future and past time to Herrod. Motivation of the combining to is indicate a time schedule in the tracking of parcel delivery (10:17-36).

- As for claim 4: The object level context is for identifying at least one particular object in the particular environment (8:51-55)

- As for claim 5: The capturing step is continuously performed so that surrounding contexts are always captured (8:20-24).

- As for claims 7, 9-10: Herrod et al (hereinafter Herrod) teach a computer implemented method and corresponding apparatus for dynamically attaching data items to physical environment (7:7-10), comprising the steps/means for: capturing surrounding contexts (7:38-45) including location level context, position context, visual data, audio data, and object level context (3:7-9, 26-30, 7:40), wherein the location level context and other level context are sensed by different types of sensing means (4:1-5); transmitting the captured data items for storing (7:40-46, 8:60-67), the data item are attached to the surrounding contexts in the particular environment (4:4-5), retrieving the stored data items based on the sensing means sensing at least one of the plurality of surrounding contexts in the particular environment (7:7-10). Inputting keyword and text for storing and retrieving is inherently included in Herrod's

teaching of storing and retrieving. Retrieving information based on location and time is well known in the art. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the location and time attribute as storing and retrieving keys. Motivation of the combining is for the flexibility of data retrieval. Herrod fails to teach that the position level context is calculated from a comparison between a plurality of electric field intensities. However the limitation "wherein the position level context is calculated from a comparison between a plurality of electric field intensities" merely describes the type of the data item ("position level context"). The phrase implies a calculation was involved, but the calculation step was not positively recited. Thus the phrase is only a non-functional descriptive material, and can not be given patentable weight. Official notice is taken that calculating of position from electric field intensity is well known in the art. It would have been obvious to one of skill in the art, to apply the well known method of calculating position from electrical intensity to determine the position of an item.

- As for claim 8: Captured image data is sent for storage (8:55-58).

- As for claims 13, 16: The audio data is voice data (6:22-25).

- As for claims 12, 15: Herrod fails to clearly teach that the position level context identifies a room in the particular environment. However, it appears that the position level context identifies a room in the particular environment is non-function descriptive information. It would have been obvious to one of skill in the art, at the time the invention was made, to further add the position level context identifies a

room in the particular environment to Herrod.  Motivation of the combining is to

indicate a room in the sheet metal manufacturing environment.

- As for claims 18, 19:  the position level context is based on observed electric field

  intensity (8:20-24).

- As for claims 20, 21, 22:  The location data is calculated based on observed electric

  field intensity (8:20-24).

### *Response to Arguments*

Applicant's arguments have been fully considered but they are not persuasive.

Remarks:  In response to the argument that Herrod does not teach selecting a date and

time when attaching and receiving data items, however discloses various embodiments wherein

the invention can be employed in journalist report (7:4-10), police report (7:17-21, 9:37-43),

insurance bid/estimate (9:27-34), parcel tracking (10:17-28).  It would have been readily

apparent to one of skill in the art that time is an important piece of information in such journalist

report, police report, insurance bid/estimate, and parcel tracking.  It would have been obvious to

one of skill in the art, at the time the invention was made, to implement the means/step of

selecting the time when attaching and receiving the data item.  Motivation of the implementation

is for tracking purpose.

In response to the argument that Herrod's barcode only represents the captured image but

not the surrounding context, the barcode contains image representation and information of the

surrounding context (6:22-37, 8:36-43, 12:16-40).

In response to the argument that Herrod does not teach retrieving at least one stored data items based on the sensing means sensing at least one of the plurality of surrounding contexts in the particular environment, Herrod discloses the retrieving of the stored data item, the data stored based on the sensing means sensing at least one of the plurality of surrounding context in the particular environment (7:18-22, 9:37-38, 10:8-11, 26-34, 12:16-40).

2.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138.  The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.  Status information for published applications may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished applications is available through Private PAIR only.  For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh

/Ba  Huynh/

Primary Examiner, Art Unit 2179